

MSSB-LR-3015-1 (12/17)

Fill in this information to identify your case:		
Debtor 1	Andre	J. DeBose
	Name	Middle Name Last Name
Debtor 2		
(Spouse, if filing)	First Name	Middle Name Last Name
United States Bankruptcy Court for the Southern District of Mississippi		
Case number <u>22-51266-KMS</u>		

☐ Check if this is an amended notice.

Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance

The above-named Debtor(s) has filed a *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the "Plan") with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the motions contained therein shall be filed in writing with the Clerk of Court at:

Dan M. Russell, Jr. U.S. Courthouse
2012 15th Street, Suite 244
Gulfport, MS 39501

on or before January 12, 2023. Copies of the objection must be served on the Trustee, US Trustee, Debtor(s), and Attorney for Debtor(s).

Objections to confirmation will be heard and confirmation determined on January 19, 2023 at 10:00 A.M. in the U.S. Courthouse, Bankruptcy Courtroom, 7th Floor, 2012 15th Street, Gulfport, MS, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

/s/Michael T. Ramsey
MICHAEL T. RAMSEY,
Attorney for Debtor(s)
429 Porter Avenue
Ocean Springs, Mississippi 39564
(T): 228-875-0572/ (F): 228-875-0895
MS Bar No. 104978
Mike@sheehanramsey.com

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE: ANDRE J. DEBOSE

**CHAPTER 13
CASE NO: 12-51266-KMS**

CERTIFICATE OF SERVICE

I, Michael T. Ramsey, attorney for Debtor(s), do hereby certify that by filing the attached Notice and Chapter 13 Plan, I have caused the following parties to be served electronically via ECF:

United States Trustee: USTPRegion05.JA.ECF@usdoj.gov

Warren A. Cuntz, Jr., Chapter 13 Trustee: wacuntzcourt@cableone.net

I certify that I have this day served a true and copy of the attached Notice and Chapter 13 Plan by U. S. Mail¹, postage prepaid, to the following creditor(s) listed in Sections 3.2 and/or 3.4 of the Plan pursuant to Fed. R. Bankr. P. 7004:

John E. Tucker
406 Liberty Park Court
P O Box 320001
Flowood, MS 39232

I further certify that I have this day served a true and correct copy of the Notice and Chapter 13 Plan by U. S. Mail, postage pre-paid, to all other parties listed on the attached master mailing list (matrix).

Respectfully Submitted,

/s/ Michael T. Ramsey
MICHAEL RAMSEY
Attorney for Debtor(s)
Sheehan Law Firm, PLLC
429 Porter Ave.
Ocean Springs, MS 39564
(228) 875-0572/ (228) 875-0895 fax
MS Bar No: 104978

¹ If the creditor is an insured depository institution, service has been made by certified mail to an officer of the institution.

Label Matrix for local noticing
0538-6
Case 22-51266-KMS
Southern District of Mississippi
Gulfport-6 Divisional Office
Tue Nov 15 08:59:45 CST 2022

(p) TRITON MANAGEMENT GROUP
P O BOX 241525
MONTGOMERY AL 36124-1525

U.S. Bankruptcy Court
Dan M. Russell, Jr. U.S. Courthouse
2012 15th Street, Suite 244
Gulfport, MS 39501-2036

Check Now
1716 Denny Ave.
Pascagoula, MS 39567-3303

AES
P.O. Box 61047
Harrisburg, PA 17106-1047

Department of Treasury -
Internal Revenue Service
P O Box 7346
Philadelphia, PA 19101-7346

Janice DeBose
4725 Weems St.
Moss Point, MS 39563-2602

M & M Bank
P.O. Box 729
Pascagoula, MS 39568-0729

Navy Federal Credit Union
P.O. Box 3000
Merrifield, VA 22119-3000

Regions Bank
P.O. Box 110
Hattiesburg, MS 39403-0110

SN Servicing Corp
13702 Coursey Blvd.
Bldg 1
Baton Rouge, LA 70817-1370

(p) SN SERVICING CORPORATION
323 FIFTH ST
EUREKA CA 95501-0305

SN Servicing Corp
FW Series I Trust
P.O. Box 660820
Dallas, TX 75266-0820

SN Servicing Corp
P.O. Box 35
Eureka, CA 95502-0035

(p) TOWER LOAN
P O BOX 320001
FLOWOOD MS 39232-0001

US Atty, SD of MS
Rep: IRS
1575 20th Ave.
Gulfport, MS 39501-2040

US Atty, SD of MS
Rep: US Dept Education
1575 20th Ave.
Gulfport, MS 39501-2040

US Dept of Education
400 Maryland Ave., SW
Washington, DC 20202-0008

USA Cash
2538 Denny Ave.
Pascagoula, MS 39567-2413

United States Trustee
501 East Court Street
Suite 6-430
Jackson, MS 39201-5022

Andre J. DeBose
4724 Weems St.
Moss Point, MS 39563-2646

Michael Taylor Ramsey
Sheehan and Ramsey, PLLC
429 Porter Ave
Ocean Springs, MS 39564-3715

Warren A. Cuntz T1 Jr.
P. O. Box 3749
Gulfport, MS 39505-3749

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Always Money
3412 Market St.
Pascagoula, MS 39567

SN Servicing Corp
323 Fifth St.
Eureka, CA 95501

Tower Loan
1608 Denny Ave.
Moss Point, MS 39563

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Navy Federal Credit Union	End of Label Matrix	
P.O.BOX 3000	Mailable recipients	22
MERRIFIELD, VA 22119-3000	Bypassed recipients	1
	Total	23

Fill in this information to identify your case:

Debtor 1	<u>Andre J. DeBose</u>
	Full Name (First, Middle, Last)
Debtor 2	
(Spouse, if filing)	Full Name (First, Middle, Last)
United States Bankruptcy Court for the	SOUTHERN DISTRICT OF MISSISSIPPI
Case number:	
(If known)	

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan**2.1 Length of Plan.**

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make payments to the trustee as follows:

Debtor shall pay \$2,451.00 (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

Direct Pay or through TFS

Debtor Andre J. DeBose Case number _____

2.3 Income tax returns/refunds.

Check all that apply

- ☒ Debtor(s) will retain any exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows: _____

2.4 Additional payments.

Check one.

- ☒ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

- ☐ None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.1(a) Principal Residence Mortgages: All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

1 Mtg pmts to SN Servicing Corp

Beginning December, 2022 @ \$1,393.00 ☒ Plan ☐ Direct. Includes escrow ☒ Yes ☐ No

1 Mtg arrears to SN Servicing Corp Through November, 2022 \$23,818.00

3.1(b) ☐ **Non-Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property -NONE-
address: _____

Mtg pmts to _____

Beginning month @ _____ Plan Direct. Includes escrow Yes No

Property -NONE- Mtg arrears to _____ Through _____

3.1(c) ☐ **Mortgage claims to be paid in full over the plan term:** Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: -NONE- Approx. amt. due: _____ Int. Rate*: _____

Property Address: _____

Principal Balance to be paid with interest at the rate above: _____

(as stated in Part 2 of the Mortgage Proof of Claim Attachment)

Portion of claim to be paid without interest: \$ _____

(Equal to Total Debt less Principal Balance)

Special claim for taxes/insurance: \$ _____ -NONE- /month, beginning _____ month .

(as stated in Part 4 of the Mortgage Proof of Claim Attachment)

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

Insert additional claims as needed.

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one..

- ☒ None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

Debtor Andre J. DeBose Case number _____

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☐ None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
☒ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
 (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of Creditor	Collateral	Amount of claim	Interest rate*
M & M Bank	2015 Toyota Tundra 149,000 miles	\$6,000.00	7.00%

*Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District.

Insert additional claims as needed.

3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

- ☐ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.
☒ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan unless the creditor files an objection on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). Debtor(s) hereby move(s) the court to find the amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Name of creditor	Property subject to lien	Lien amount to be avoided	Secured amount remaining	Type of lien	Lien identification (county, court, judgment date, date of lien recording, county, court, book and page number)
Tower Loan	Household goods	\$6,050.00	\$0.00	Non-purchase money lien (no ucc)	Avoid Lien

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one.

- ☒ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case.

Debtor Andre J. DeBose Case number _____

4.3 Attorney's fees.

☒ No look fee: 3,600.00

Total attorney fee charged: \$3,600.00

Attorney fee previously paid: \$687.00

Attorney fee to be paid in plan per confirmation order: \$2,913.00

☐ Hourly fee: \$____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☒ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations.

☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☐

The sum of \$

☒

20 % of the total amount of these claims, an estimated payment of \$____

☐

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$See 8.1.2. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Other separately classified nonpriority unsecured claims (special claimants). *Check one.*

☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*

☒ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☐ None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Debtor Andre J. DeBose Case number _____

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.1.1 If applicable, Secured and Priority tax claims shall be paid at the statutory interest rate instead of the Till rate.

8.1.2 The liquidation analysis shall be determined at a later date prior to confirmation.

8.1.3 The "beginning date" for conduit mortgage payments shall be determined by the Proof of Claim.

Part 9: Signatures:

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ Andre J. DeBose
Andre J. DeBose
 Signature of Debtor 1

X _____
 Signature of Debtor 2

Executed on November 1, 2022

Executed on _____

4724 Weems St.

Address

Address

Moss Point MS 39563-0000

City, State, and Zip Code

City, State, and Zip Code

Telephone Number

Telephone Number

X /s/ Michael T. Ramsey
Michael T. Ramsey 104978
 Signature of Attorney for Debtor(s)
429 Porter Ave
Ocean Springs, MS 39564
 Address, City, State, and Zip Code
228-875-0572
 Telephone Number
Mike@sheehanramsey.com
 Email Address

Date November 1, 2022

104978 MS
 MS Bar Number